

**Before the
COPYRIGHT ROYALTY BOARD
James Madison Memorial Building
101 Independence Avenue, S.E.,
Washington, D.C. 20559**

In the Matter of)
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 DETERMINATION OF REASONABLE RATES) Docket No. 2011-2 CRB NCEB II
 AND TERMS FOR NONCOMMERCIAL)
 BROADCASTING)
)
)
)

PETITION OF CATHOLIC RADIO ASSOCIATION TO PARTICIPATE

Catholic Radio Association (“CRA”), by counsel and pursuant to 17 U.S.C. §804(a)¹, hereby petitions² to participate in the above-captioned matter to determine reasonable rates and terms for use of certain works in connection with noncommercial broadcasting.

CRA is the principal trade association of Catholic radio broadcasters, many of which broadcast copyrighted material on an extremely limited basis—often unintentionally—as indicated below. Previous negotiations of compulsory licenses have not created a category for these noncommercial talk format licensees. Accordingly, CRA holds a significant interest in the captioned proceeding, within the meaning of 17 U.S.C. § 803(a)(1), in the royalty rates and terms for statutory licenses permitting the use of copyrighted works in connection with noncommercial radio broadcasting.

¹ See also 17 U.S.C. § 803(b); 17 U.S.C. § 118; and 37 C.F.R. § 351.1(b).

² We hereby seek leave to file the petition pursuant to section 351.1(b)(d) of the CRB Rules inasmuch as accepting this petition will not prejudice any other party to this proceeding, and for the good cause set forth herein.

The Catholic radio format is unique inasmuch as it is a primarily talk format broadcast mostly by noncommercial stations. The noncommercial talk format of CRA members includes virtually no copyrighted music, excepting occasional live events for which the broadcast and webcast of copyrighted music is tangential. Historically, other organizations have inadequately represented the unique interest of Catholic broadcasters in negotiations, such as those proposed in the captioned matter, to ensure the noncommercial talk format does not incur a disproportionate music royalty liability.

The appropriate filing fee is supplied herewith, and by the signatures below we hereby certify that counsel to CRA holds the authority and consent of the petitioner to represent CRA for this purpose.

In view of the foregoing, the Copyright Royalty Board should grant the instant petition and permit CRA to participate in the captioned proceeding.

Respectfully submitted,

CATHOLIC RADIO ASSOCIATION

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Its counsel

March 1, 2011

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**MOTION FOR LEAVE TO SUBMIT PETITION TO PARTICIPATE BY
CATHOLIC RADIO ASSOCIATION**

Catholic Radio Association (“CRA”), by counsel and pursuant to 37 CFR 351.1(d)¹; hereby moves for leave to submit a petition to participate in the above-captioned matter to determine reasonable rates and terms for use of certain works in connection with noncommercial broadcasting, despite having missed the applicable February 4, 2011, deadline.

CRA is the principal trade association of Catholic radio broadcasters, a relatively new and rapidly growing group of primarily noncommercial talk radio format broadcasters, and had not previously participated in proceedings to determine these rates. CRA was therefore unaware of the notice announcing the commencement of proceeding with requests for petitions to participate. CRA had employed an outside consultant to advise the organization as to the initiation of the instant proceeding, but received no

¹ See also 17 U.S.C. § 803(a)-(b); 17 U.S.C. § 118; and 37 C.F.R. § 351.1(b).

notification of its initiation from the consultant. CRA became aware of the deadline yesterday, and is submitting its *Petition to Participate* today.

As stated in the concurrently submitted *Petition to Participate*, previous negotiations of compulsory licenses have not sufficiently represented the interests of Catholic Radio Association members. Accordingly, CRA holds a significant interest in Docket No. 2011-2 CRB NCEB II "Determination of Reasonable Rates and Terms for Noncommercial Broadcasting". Because the proceeding has not yet commenced substantially, acceptance of CRA's petition to participate will not unduly prejudice any other party to the proceeding.

In view of the foregoing, the Copyright Royalty Board should grant the instant *Motion* petition and permit CRA to participate in the captioned proceeding.

Respectfully submitted,

CATHOLIC RADIO ASSOCIATION

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